



Substitute Senate Bill No. 238

Public Act No. 13-69

AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 18-84a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Correction shall require each inmate sentenced to a term of incarceration by a court of this state to accumulate savings to be paid to the inmate on the inmate's [discharge] release from incarceration by establishing a discharge savings account on behalf of the inmate. Any inmate sentenced to a term of incarceration by a court of this state but confined in a facility outside this state shall be exempt from such requirement while confined in such facility.

(b) For the purpose of establishing such discharge savings account, the commissioner may impose a deduction of up to ten per cent on all deposits [made] credited to the inmate's individual account, provided the commissioner (1) [transfers] credits such deduction to the inmate's discharge savings account, and (2) ceases imposition [and transfer] of such deduction whenever the amount in the inmate's discharge savings account [is equal to] equals one thousand dollars.

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(c) [If] Whenever the amount in the inmate's discharge savings account [is equal to] equals one thousand dollars, the commissioner shall impose a deduction of ten per cent on all deposits [made] credited to the inmate's individual account to the extent necessary to reimburse the state for the costs of the inmate's incarceration pursuant to section 18-85a, as amended by this act, and [the] regulations adopted [pursuant to] in accordance with said section. [18-85a.]

(d) Disbursement to the inmate from the inmate's discharge savings account upon the inmate's release from incarceration shall not be reduced by any disbursement required by sections 18-85, as amended by this act, 18-85b, 18-85c and 18-101, as amended by this act.

(e) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement this section.

Sec. 2. Section 18-85 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Correction, after consultation with the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management, shall establish a schedule of compensation for services performed on behalf of the state by inmates of any institution or facility of the department. Such schedule shall recognize degrees of merit, diligence and skill in order to encourage inmate incentive and industry.

(b) Compensation so earned shall be deposited, under the direction of the [administrative head of such institution or facility, in an inmate's individual account] Commissioner of Correction, in an account in a savings bank or state bank and trust company in this state [, and funds from such account may be transferred to the inmate's discharge savings account pursuant to section 18-84a. Any amount in such accounts] or an account administered by the State Treasurer. Any

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compensation so earned shall be paid to the inmate on the inmate's [discharge] release from incarceration, except that the [warden or Community Correctional Center Administrator] commissioner may, while the inmate is in custody, disburse any compensation earned by such inmate in accordance with the following priorities: (1) Federal taxes due; (2) restitution or payment of compensation to a crime victim ordered by any court of competent jurisdiction; (3) payment of a civil judgment rendered in favor of a crime victim by any court of competent jurisdiction; (4) victims compensation through the criminal injuries account administered by the Office of Victim Services; (5) state taxes due; (6) support of the inmate's dependents, if any; (7) the inmate's necessary travel expense to and from work and other incidental expenses; (8) deposits credited to the inmate's discharge savings account under section 18-84a, as amended by this act; (9) costs of such inmate's incarceration under section 18-85a, as amended by this act, and regulations adopted in accordance with said section; and [(9)] (10) payment to the clerk of the court in which an inmate, [of a community correctional center, held] confined in a correctional facility only for payment of a fine, was convicted, such portion of such compensation as is necessary to pay such fine. Any interest that accrues shall be credited to any institutional fund established for the welfare of inmates. Compensation under this section shall be in addition to any compensation received or credited under section 18-50.

Sec. 3. Section 18-85a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Correction shall adopt regulations, in accordance with the provisions of chapter 54, concerning the assessment of inmates of correctional institutions or facilities for the costs of their incarceration.

(b) The state shall have a claim against each inmate for the costs of such inmate's incarceration under this section, and regulations

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adopted in accordance with this section, for which the state has not been reimbursed. Any property owned by such inmate may be used to satisfy such claim, except property that is: (1) Exempt pursuant to section 52-352b or 52-352d, except as provided in subsection (b) of section 52-321a; (2) subject to the provisions of section 54-218; (3) acquired by such inmate after the inmate is released from incarceration, but not including property so acquired that is subject to the provisions of section 18-85b, 18-85c or 52-367c, and except as provided in subsection (b) of section 52-321a; (4) acquired by such inmate for work performed during incarceration as part of a program designated or defined in regulations adopted by the Commissioner of Correction, in accordance with the provisions of chapter 54, as a job training, skill development or career opportunity or enhancement program, other than a pilot program established pursuant to section 18-90b, as amended by this act, except that the commissioner may assess a fee for participation in any such program; or (5) [deposited in] credited to a discharge savings account pursuant to section 18-84a, as amended by this act, not in excess of one thousand dollars. In addition to other remedies available at law, the Attorney General, on request of the Commissioner of Correction, may bring an action in the superior court for the judicial district of Hartford to enforce such claim, provided no such action shall be brought but within two years from the date the inmate is released from incarceration or, if the inmate dies while in the custody of the commissioner, within two years from the date of the inmate's death, except that such limitation period shall not apply if such property was fraudulently concealed from the state.

Sec. 4. Section 18-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) [When any person] Whenever any inmate to whom privileges have been granted under section [18-90b or] 18-100 is employed for compensation, the Commissioner of Correction or the commissioner's

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designee shall collect such compensation or require such [person] inmate to deliver to the commissioner or the commissioner's designee the full amount of such compensation when received. The commissioner or [such] the commissioner's designee shall deposit such funds in [trust in] an account in a savings bank or state bank and trust company in this state or an account administered by the State Treasurer and shall credit such funds to the inmate's individual account and shall keep a record showing the status of the account of each [person. Compensation received by such person during such person's term of imprisonment shall not be subject to levy or attachment] inmate.

(b) On granting privileges to any [person] inmate under section [18-90b or] 18-100, the commissioner or the commissioner's designee shall disburse any compensation earned by such [person] inmate in accordance with the following priorities: (1) Federal taxes due; (2) restitution or payment of compensation to a crime victim ordered by any court of competent jurisdiction; (3) payment of a civil judgment rendered in favor of a crime victim by any court of competent jurisdiction; (4) victims compensation through the criminal injuries account administered by the Office of Victim Services; (5) state taxes due; (6) support of such [person's] inmate's dependents, if any; (7) such [person's] inmate's necessary travel expense to and from work and other incidental expenses; [and] (8) deposits credited to the inmate's discharge savings account under section 18-84a, as amended by this act; and (9) costs of such [person's] inmate's incarceration under section 18-85a, as amended by this act, and regulations adopted in accordance with said section. The commissioner shall pay any balance remaining to such [person] inmate upon the [person's discharge] inmate's release from incarceration including any amount [transferred] credited to a discharge savings account pursuant to section 18-84a, as amended by this act. Each [person] inmate gainfully self-employed shall pay to the commissioner the costs of such [person's] inmate's

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incarceration under section 18-85a, as amended by this act, and regulations adopted in accordance with said section, and on default in payment thereof the [person's] inmate's participation under section 18-100 shall be revoked.

(c) The commissioner or the commissioner's designee shall notify the Commissioner of Social Services and the welfare department of the town where the dependents of any [person] inmate employed under the provisions of section 18-90b, as amended by this act, or 18-100 reside of the amounts of any payments being made to such dependents.

Sec. 5. Section 18-90b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Correction [is authorized to] may establish a pilot program involving the use of inmate labor in private industry consistent with governing federal guidelines.

(b) The commissioner may enter into such contracts as may be necessary to fully implement the pilot program. Such contractual agreements may include rental or lease agreements for state buildings or portions thereof on the grounds of any institution or facility of the Department of Correction and for any real property needed for reasonable access to and egress from any such building for the purpose of establishing and operating a factory for the manufacturing and processing of goods, wares or merchandise or the provision of service or any other business or commercial enterprise deemed by the commissioner to enhance the general welfare of the inmate population.

(c) An inmate may participate in the pilot program established pursuant to this section only on a voluntary basis and only after he has been informed of the conditions of his employment.

(d) No inmate participating in the pilot program shall be paid less

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than the prevailing wage for work of similar nature in private industry.

(e) Inmate participation in the pilot program shall not result in the displacement of employed workers and shall not impair existing contracts for services.

(f) Nothing [contained] in this section shall be deemed to restore in whole or in part the civil rights of any inmate. No inmate compensated for participation in the program shall be considered to be an employee of the state or exempt from the provisions of (1) section 18-84a, as amended by this act, or (2) section 18-85a, as amended by this act, and regulations adopted in accordance with said section.

(g) The provisions of subsection (j) of section 18-88 shall not apply to any articles, materials or products manufactured or produced by institutional inmates pursuant to this section.

Approved June 3, 2013